

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division



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UNITED STATES OF AMERICA :

-vs- :

KURT S. HANEIPH, :
Defendant. :

Case No. 1:96-cr-227

ORIGINAL

SENTENCING HEARING

November 15, 1996

Before: Claude M. Hilton, Judge

APPEARANCES:

W. Neil Hammerstrom, Jr., Counsel for the United States

Ronald A. Ray, Counsel for the Defendant

The Defendant, Kurt S. Haneiph, in person

1 THE CLERK: Criminal action 96-227-A, the United
2 States of America versus Kurt Shawn Haneiph. This matter is on
3 for sentencing.

4 Are counsel present and ready, please?

5 MR. HAMMERSTROM: Neil Hammerstrom for the United
6 States.

7 MR. RAY: Good morning, Your Honor. Ronald Ray for
8 the defendant, Mr. Haneiph.

9 THE COURT: Mr. Ray, have you and your client had an
10 opportunity to review this presentence report?

11 MR. RAY: Yes, we have, Your Honor.

12 THE COURT: Any corrections you wish to make to it?

13 MR. RAY: No corrections, Your Honor. There are
14 factors that are disputed, and I submitted a memorandum on
15 that. Insofar as the acceptance of responsibility, the
16 defendant would rest on the written memorandums. I don't have
17 any further argument on that regard.

18 THE COURT: All right. Is there anything you want to
19 say at this time?

20 MR. RAY: Your Honor, I would also just ask that the
21 Court give the defendant a three-month departure from the
22 Guideline range given the circumstance of this case where he
23 was in custody in the Fairfax County Jail from January 6 until
24 April 5 when he was brought before this Court on these charge,
25 on a charge that was out of the same facts. That prosecution

1 in Fairfax County was not pressed when the federal prosecution
2 began. And I think that he should be given some credit for
3 that time spent because, essentially, it is for this offense.

4 Other than that, I would just ask the Court to impose
5 the minimum under the Guideline range that the Court finds
6 appropriate.

7 THE COURT: All right. Is there anything you want to
8 say, Mr. Hammerstrom.

9 MR. HAMMERSTROM: The Government has no objection to
10 the three-month credit, Your Honor.

11 THE COURT: All right. All right, Mr. Haneiph, would
12 you come forward.

13 Is there anything you would like to say at this time?

14 THE DEFENDANT: No.

15 THE COURT: All right. Well, I find the Guideline
16 factors to be properly assessed, as the Probation officer has
17 assessed them, at a range of 360 months to life. That because
18 of the financial condition of the defendant, the imposition of
19 any fine or costs is not warranted.

20 It will be the sentence of the Court, Mr. Haneiph,
21 that as to Count 1, you be committed to the custody of the
22 Attorney General to serve a term of 360 months, a ten-year
23 period of supervised release, and pay a special assessment fine
24 of \$50.

25 And as to Counts 4 and 5, as to each of those counts,

1 committed to the custody of the Attorney General to serve a
2 term of 240 months, an eight-year period of supervised release,
3 and pay a special assessment fine of \$50 as to each count.

4 The sentences in these three counts will run
5 concurrently with one another.

6 And you will receive credit for the three months that
7 you spent in the Fairfax County Jail awaiting trial on
8 essentially the same charge.

9 MR. RAY: Thank you, Your Honor.

10 THE COURT: I am sorry, Mr. Haneiph, I wanted to
11 advise you that you have the right to appeal, note your appeal
12 in this case. It must be done within ten days. And if you
13 don't have sufficient moneys to employ counsel, one will be
14 appointed for you.

15 MR. RAY: Thank you.

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17 HEARING CONCLUDED

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19
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21 I certify that the foregoing is a true and
22 accurate transcription of my stenographic notes.

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/s/ Norman B. Linnell
Norman B. Linnell, RPR, CM, VCE, FCRR